

FIRST REGULAR SESSION

SENATE BILL NO. 538

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Read 1st time February 20, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2073L.02I

AN ACT

To amend chapter 261, RSMo, by adding thereto one new section relating to participation in an animal identification system.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 261, RSMo, is amended by adding thereto one new section, to be known as section 261.300, to read as follows:

261.300. 1. As used in this section, the following terms mean:

(1) "Animal", all members of the animal kingdom except humans and insects. Animal does not include undomesticated animals living in the wild;

(2) "Department", the Missouri department of agriculture;

(3) "Director", the director of the department of agriculture;

(4) "Livestock", equines (horse, mules, donkeys, burros), bovines (cattle and bison), cervids (deer and elk), ovine (sheep), caprine (goats), porcine (swine), camelids (llamas and alpacas), poultry (chickens, ducks, emu, geese, guineas, pheasants, quail, turkeys), and any other animal that the federal government may include in a national animal identification system. Livestock does not include undomesticated animals living in the wild;

(5) "Person", individuals, corporations, partnerships, associations, or other legal entities and agents of such entities;

(6) "Premises", a location where livestock are raised, held, or boarded;

(7) "Source verification program", a program that tracks individual animals or groups of animals in order to determine the origin of such animal or group, the identity of all other animals that have been in contact with it, and the location of premises at which it

22 has been held in its lifetime.

23 2. (1) The state of Missouri shall not establish or participate in
24 the national animal identification system or any other similar source
25 verification program beyond the existent Missouri cattle specific source
26 verification at the state level.

27 (2) The prohibition in this section also applies to the components
28 of a source verification program, including premises registration and
29 databases, animal identification and databases, and animal movement
30 tracing and databases beyond the minimum necessary for the Missouri
31 cattle specific source verification program.

32 (3) All cooperative agreements between the federal government
33 and this state, or between this state and other states, established before
34 the effective date of this section and related to the establishment of
35 animal tracking, tagging, registration, or information databases,
36 premises registration, or information databases, use of electronic
37 identification for animal tagging purposes, and other matters related
38 to the national animal identification system are hereby terminated and
39 null and void as to this state's participation.

40 (4) Immediately upon the effective date of this section, any
41 identification lists or databases created using, in whole or in part,
42 federal funds under the national animal identification system shall be
43 void and shall not be used for any purpose by any governmental,
44 public, or private person or entity. Such restriction does not include
45 lists and databases that were created solely for the purposes of
46 addressing specific diseases in specific species of livestock, except to
47 the extent that such lists have been used for the national animal
48 identification system program.

49 3. The department of agriculture shall:

50 (1) Immediately notify all citizens whose premises information
51 previously has been submitted to the United States Department of
52 Agriculture National Premises Information Repository; and

53 (2) Develop a procedure with the United States Department of
54 Agriculture whereby such citizen's data shall be expunged from the
55 USDA National Premises Information Repository as well as the Missouri
56 animal identification plan system.

57 4. Nothing in this section shall be construed as:

58 (1) Prohibiting the state from establishing or participating in

59 disease control programs specifically designed to address a known
60 disease in a specific species of livestock;

61 (2) Prohibiting the state from operating livestock identification,
62 brand registration, and inspection programs as authorized under state
63 law;

64 (3) Prohibiting private agricultural industry organizations from
65 establishing voluntary source verification programs for their own
66 members or others who elect to participate; except that, any private
67 system shall be subject to the following conditions and limitations:

68 (a) The program shall provide for full and informed consent of
69 all participants, including disclosure of the entire program, the
70 possible uses of information collected under the program, and every
71 entity or person to whom such information may be disclosed;

72 (b) Persons who voluntarily enroll in the program shall be
73 permitted to withdraw from the program at any time and their personal
74 information shall be permanently removed from program records;

75 (c) No public moneys shall be used to support such a program;

76 (d) The private program shall not be used to gain unfair
77 competitive advantage, but shall be considered a commercial term
78 subject to laws restricting unfair competition; and

79 (e) A private source verification program identification device
80 or marking shall not supplant, supersede, or make unreadable this
81 state's or any local entity's brand or mark on any animal. A source
82 verification program's rules shall not supersede this state's brand or
83 marking system rules as a matter of law; and

84 (4) Authorizing the department of agriculture to establish any
85 requirement of participation in the Missouri specific source
86 verification program on the part of any cattle grower or to establish
87 additional source verification programs on a state level for any other
88 species of livestock.

89 5. (1) No essential services, licenses, permits, certifications,
90 insurance or risk management coverage, or other incentives shall be
91 provided by any public or private person, directly or indirectly, to any
92 participant in an animal identification or premises registration
93 program based solely on such person's participation in the program.

94 (2) No services, compensation, favors, payments, credits, benefits,
95 licenses, permits, certifications, insurance or risk management

96 coverage, special consideration, or other incentives shall be denied,
97 revoked, or limited by any public or private person, directly or
98 indirectly, based solely on such person's lack of participation in an
99 animal identification or premises registration program.

100 (3) Neither this state nor any political subdivision of this state
101 shall require any of its suppliers to participate in a premises
102 registration or animal identification program as a condition of
103 supplying goods or services.

104 (4) Failure to participate in a premises registration or animal
105 identification program or the providing of services to persons who are
106 not participants in a premises registration or animal identification
107 program shall not be deemed a crime, nor evidence of any negligence
108 or gross negligence on the part of any livestock owner or provider of
109 goods or services.

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